

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 09-cr-112-03-PB

Michael Roux, et al.

O R D E R

Elvin Ealy has filed a motion to sever his trial from the trial of his co-defendants.

The sole charge against Ealy is distinct claim that can easily be tried separately without undue burden. Ealy is not alleged to be a member of the conspiracy that will be the focus of the trial of his co-defendants. There is a real danger of prejudicial spillover because the vast bulk of the evidence will only be admissible against the co-defendants.

The motion to sever ([Doc. No. 59](#)) is granted.

SO ORDERED.

/s/Paul Barbadoro

Paul Barbadoro

United States District Judge

November 30, 2009

cc: Mark Howard, Esq.
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